

The Clerk will read the copy.

READING CLERK: Amendment No. 16 to Committee Recommendations R&P-1 and R&P-2 as amended by Report S&D-9 by Delegate Sherbow: On page 4, section 1.17, Collective Bargaining, in line 43 after the period add the following new sentence:

"It shall be illegal for any person employed by the State of Maryland, its political subdivisions, any municipality, or any other governmental entity in this State, to engage in any strike, work stoppage, slowdown, mass resignations, or refusal to cross a picket line or similar such conduct."

THE PRESIDENT: The amendment is offered by Delegate Sherbow. Is there a second?

The amendment is seconded by Delegate Weidemeyer.

The Chair recognizes Delegate Sherbow.

DELEGATE SHERBOW: Mr. Chairman, in order to clarify the amendment, I assume that it should read instead of "in line 43 after the period," what it should say is some language which makes it after section 1.17 because it may not come out with these amendments in line 43.

THE PRESIDENT: I think if you strike the words in line 2 so it would read, "On page 4, section 1.17, Collective Bargaining, add the following new sentence"; is that your modification?

DELEGATE SHERBOW: Yes.

THE PRESIDENT: Is there any objection to the modification?

*(There was no response.)*

The Chair hears none. The Chair will consider the amendment so modified.

In line 2 strike out "in line 43 after the period."

DELEGATE SHERBOW: I should like to strike from lines 10 and 11 the words "or similar such conduct".

THE PRESIDENT: Hearing no objection, the amendment will be so modified.

Delegate Sherbow.

DELEGATE SHERBOW: Mr. President and ladies and gentlemen, this has been really the most divisive subject before this Convention. I am sorry that this is so. My position has been that this should belong in the General Assembly. If it were there, all of the protection that we have in the National Labor Relations Act and all the

laws thereafter, we would be able to debate and pass.

Now, we do not have that if this provision remains. We state it as an absolute constitutional right. Employees shall have the right to organize and bargain collectively, etc. All I am saying is that the State has rights. The employees have rights.

Now let us give the people the rights that they need. There are those among us who support section 1.17 who have said again and again, this does not mean that employees of the State may strike. All I am saying is, let us put this in the constitution so that we know that it is the policy of the State that our firemen, our policemen, the nurses at the University Hospital, the nurses at the Baltimore City Hospital, all the employees of such a nature shall not have this right, whether it is to strike or by some other method or procedure fail to perform their work.

We are going to give them, if this section 1.17 is approved, certain rights. These rights carry with them very serious responsibilities. Please do not say to me: "this cannot happen." Please do not make the statement, "Men do not strike". They have. Please do not say that nurses and others do not strike. There are other means.

All I am saying to you, and am asking you is this: there are a great many people who are caught between these principles which should have originally been left to the General Assembly. Since they are not, at least let us put in the constitution the right of the people to know that they are employees of the State, of this composite two and three county government that may yet be created. Those employees may bargain collectively if you will, but they cannot go on strike, because when they strike, they strike against all of the people. I would urge you to approve this amendment.

If you are going to imbed the other into the constitution, let us imbed this principle as well in the constitution of Maryland and I would hope that those who have spoken for section 1.17, who have said it will not in any way give these employees the right to strike, will likewise join in making certain that there is no doubt that they do not legally have this right to strike or to refrain from working.

THE PRESIDENT: Delegate Bothe.

DELEGATE BOTHE: May I address a question to the proponent of this amendment?